

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-CV-336-D

MARIE A. BECTON,

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Plaintiff,

)

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v.

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ORDER

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ANDREW M. SAUL,

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Commissioner of Social Security

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Defendant.

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On July 7, 2017, Marie Becton (“Becton” or “plaintiff”) filed a complaint against the Commissioner of Social Security¹ (“Commissioner” or “defendant”) [D.E. 1]. Becton sought the reversal of a survivor’s benefit determination and \$950,000.00 in damages. See id. at 5. On October 10, 2017, defendant moved to dismiss for lack of subject-matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1) [D.E. 12]. On October 17, 2017, Becton moved for entry of default [D.E. 14] and on October 31, 2017, for summary judgment [D.E. 15]. On January 15, 2018, this court denied plaintiff’s motion for entry of default and motion for summary judgment [D.E. 17]. On March 13, 2018, Becton moved for relief from this court’s judgment [D.E. 18]. On June 14, 2018, plaintiff filed a notice of appeal with the United States Court of Appeals for the Fourth Circuit [D.E. 19]. On June 26, 2018, this court granted defendant’s motion to dismiss and denied Becton’s motion for relief [D.E. 22, 23]. On September 17, 2018, the Fourth Circuit affirmed this court’s order and dismissed plaintiff’s appeal [D.E. 24, 25]. On November 20, 2018, plaintiff filed a petition for a writ

¹ Under Federal Rule of Civil Procedure 25(d), the court substitutes Andrew M. Saul for Nancy A. Berryhill as Commissioner of Social Security. See Fed. R. Civ. P. 25(d).

of certiorari to the United States Supreme Court [D.E. 27]. On February 19, 2019, the United States Supreme Court denied plaintiff's petition for a writ of certiorari [D.E. 28]. On February 3, 2020, Becton filed a petition for a writ of mandamus to the United States District Court for the Eastern District of North Carolina [D.E. 29]. On February 12, 2020, Becton supplemented her motion [D.E. 30].

The court has reviewed the entire record. Plaintiff's motion [D.E. 29] is baseless and is DENIED.

SO ORDERED. This 17 day of March 2020.


JAMES C. DEVER III
United States District Judge